



INSTRUCTIONS FOR PRO BONO DISTRICT GRANT APPLICATION FOR 2012 IOLTA FUNDING

INTRODUCTION

The Indiana Bar Foundation (“IBF”) receives Indiana Interest on Lawyers’ Trust Account (“IOLTA”) funds and donations from attorneys, corporations, banks, and other sources to support civil legal services for low-income people in Indiana. The Indiana Supreme Court (“Court”) and the Indiana Pro Bono Commission (“Commission”) provide leadership for the program.

The Pro Bono Grant Application process seeks proposals from the fourteen Pro Bono Districts (“Districts”) throughout Indiana for the distribution of grants from funds available to the Indiana Bar Foundation through the IOLTA program. Grants are available to the Districts only and will be awarded for use in the following calendar year.

Each District is expected to adhere to the grant criteria outlined in this document and the Letter of Representation, and submit a written grant application no later than July 1st of the year preceding the grant application calendar budget year. The pro bono district grant applications will be made public to members of the Bar, the Indiana Supreme Court and others. Please be aware that district grant applications may be posted on the Indiana Pro Bono Commission website. It is expected that a grant application will be submitted annually from each District. A limited amount of grant funds may be available depending on the amount of meritorious proposals received each year.

Initially, the district pro bono application documents are submitted to the Commission for review. After the Commission reviews each individual application, it then prepares a grant funding recommendation and presents it to the Board of Directors of the IBF for approval. Once the Board of Directors of the IBF approves the grant funding recommendation, the applicants are officially notified and the funds are distributed according to the guidelines established.

CRITERIA

The grant funding goals outlined by the Court and accepted by the IBF and the Commission to guide the overall distribution of IOLTA funds include the following broad objectives that will be considered in awarding grants:

1. **Participation by the local bar associations and attorneys.** The associations and attorneys believe the program is necessary and beneficial.
2. **Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.
3. **Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.
4. **Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client

needs and support the core program.

5. **Coordination with state and local civil legal providers and bar associations.** The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association result in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
6. **Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
7. **Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff. Programs should have written job descriptions, policies and procedures to ensure continuity. Every pro bono program which receives IOLTA funding from the Indiana Pro Bono Commission and Indiana Bar Foundation must be incorporated and have obtained or applied for federal tax-exempt status by July 1, 2007.
8. **Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.
9. **Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical, and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.
10. **Understanding of ethical considerations.** The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.
11. **ABA Standards.** The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

In addition, the IBF and the Commission favor grant applications that include the following:

1. Demonstrate innovation in service.
2. Demonstrate district-wide, regional or statewide collaboration, coordination of services with other providers, and avoidance of duplication of services.
3. Assist in providing relatively equal levels of meaningful access to justice and high quality assistance to clients throughout Indiana.
4. Have potential for applicability or replication of the program in other parts of the state.
5. Demonstrate a history of quality service and fiscal responsibility.

APPROVAL PROCESS

The IBF and the Commission will make funding determinations on the basis of the pro bono application documents, and scheduled meetings between assigned Commission members, pro bono plan administrators, and Judicial Appointees. The IBF and/or Commission may, at their discretion, request supplements to the applications, conduct on-site visits, and/or require an applicant District representative to appear at an IBF and/or Commission meeting.

GRANT AWARDS AND PAYMENTS

Following the fall meetings of both the IBF and the Commission, each District will be notified in writing of the award decision, any special terms or conditions, and how payment will be made. To receive payment, each District must execute a grant agreement between the IBF and the District. Grant funds must be spent only for the items described in the approved grant application budget or as directed in the grant award letter. Material variances, if any, should be submitted in advance to the IBF and Commission for discussion and/or approval, generally in the form of a revised budget. These Instructions and the grant application can be found on-line at the following website: www.in.gov/judiciary/probono. The IBF will make quarterly payments the calendar year following the grant award decision.

APPLICATION INSTRUCTIONS

The heading and footer for each page should be identical to the original form, so that each page will have similar information from each district. Do not use smaller than a 12-point font. The grant application form is 4 pages, and therefore your district grant application should not exceed 4 pages. Please staple each grant application in the upper left corner. Please do not use binders or folders, which increase the copy and storage costs.

Please note that an executed grant agreement and a revised 2012 budget are required to be submitted to the Indiana Bar Foundation by December 1, 2011. IOLTA funds will not be released until the grant agreement is executed and submitted. Please indicate the entity which should receive the IOLTA funds. This must be a corporation formed by the pro bono district. Every pro bono program which receives IOLTA funding from the Indiana Pro Bono Commission and the Indiana Bar Foundation must be incorporated and have obtained federal tax-exempt status.

Letter of Representation: The Letter of Representation may contain items that do not pertain to your district. If so, draw a line through the item, provide the reason for marking it, and share plans to remedy the situation. If there is more than one stricken item, please number the item and the corresponding explanation.

Page 3: For line A2 please note that previous year IOLTA grant carryover should be included in income and not held as reserve. The "Year-End 2010 Income" and "2010 Actual Expenditures" columns should be the same as in the Year-End Budget Report on page 4 of the Pro Bono District Report on 2010 IOLTA Funding. Please note that the budget chart is available in an Excel spreadsheet, in addition to this chart in Microsoft Word.

SUBMISSION PROCEDURES

Application documents should be transmitted by e-mail to mfennell@inbf.org, and the original, executed copy of the grant application and letter of representation should be submitted to Monica Fennell, Executive Director, Indiana Pro Bono Commission, 230 East Ohio Street, 4th Floor, Indianapolis, Indiana 46204. Application documents should be submitted no later than 4:00 p.m. on July 1, 2011. Please note that grant agreements and revised budgets are due December 1. Grant distributions will not be made without executed grant agreements. Additional information concerning these instructions or the submission of a grant application and plan may be obtained from Monica Fennell, Indiana Pro Bono Commission, 230 East Ohio Street, 4th Floor, Indianapolis, Indiana 46204, or by calling 317-269-2415 or 800-279-8772, or by e-mail at mfennell@inbf.org.